

ZONING AND ADJUSTMENT BOARD

August 7, 2006

The Zoning and Adjustment Board of Sumter County, Florida, convened on Monday, August 7, 2006, at 6:30 P.M. with the following members present: Larry Story – Chairman, Dale Nichols, Marge Thies, Richard Cole Jr., Ron Berry, Todd Brown, Rusty Mask, and Frank Szczepanski. Dossie Singleton, Frank Topping, James Sutton, and Evan Merritt were absent. Dave Davis - Zoning and Adjustment Board Attorney, Sandy Cassels- Board Secretary, Roberta Rogers- Director of Planning & Development, and Bradley Cornelius-Planning Manager, were present.

Chairman Larry Story called the meeting to order.

The Board members led everyone in the pledge of allegiance and prayer.

Mr. Story presented the proof of publication.

Mr. Brown made a motion to approve the minutes from the July 17, 2006, meeting. Mr. Cole seconded the motion and the motion carried.

R2006-0052

William D. & Sandra Mason

Mr. Cole made a motion to remove this application from the table. Mr. Nichols seconded the motion and the motion carried.

Sandra Royals, representative for the applicant, was present and requesting a rezoning of 5 acres MOL from A5 to RR5 to complete a lineal transfer to allow a Class “B” mobile home. There were eight (8) notices sent. Of the eight (8) notices sent, three (3) were received in objection and none were received in favor. Mrs. Cassels read the letters of objection into the record. Mr. Cole asked Ms. Royals what the plans were for the property, if approved. Ms. Royals stated she would reside there and wanted to be able to place her Class “B” mobile home on the property, which is the purpose of the rezoning request. Mr. Nichols asked Ms. Royals if there were any plans to correct the problems with flooding. Ms. Royals stated they have plans to replace the existing culverts with larger ones. Mr. Cornelius explained Code Enforcement will be following up on the Code issues. Ms. Thies stated most of the property is zoned A5, and this zoning would not be compatible with the surrounding areas. Mr. Nichols asked if the Board could require the structure be a conventional home or Class “A” mobile home. Mrs. Rogers advised the Board they could. Mr. Story informed the applicant she may want to amend her application. Ms. Royals stated her mobile home falls under the Class “B” type, which is why she is requesting this zoning classification.

Mr. Nichols made the motion to recommend denial of the rezoning from A5 to RR5 to the Board of County Commissioners, but if the application was amended to RR5C he would recommend approval. Mr. Berry seconded the motion and the motion carried with a 7-1 vote. Roll call: Richard Cole – aye, Todd Brown – aye, Rusty Mask – aye, Frank Szczepanski – aye, Dale Nichols –aye, Marge Thies –aye, Larry Story – nay, Ron Berry - aye.

T2006-0032

Christine Winfree

Christine Winfree, applicant, was present and requesting a Temporary Use Permit for one (1) year for a RV while a residence is being constructed. There were eight (8) notices sent. Of the eight (8) notices sent, none were returned in favor or objection. Mr. Nichols asked Ms. Winfree if she was constructing her residence as owner/builder. Ms. Winfree stated she is owner/builder.

Mr. Nichols made a motion to approve the Temporary Use Permit for one (1) year for a RV while a residence is being constructed. Mr. Berry seconded the motion and the motion carried.

T2006-0033

Terry & Carla McClung

Carla McClung, applicant, was present and requesting a Temporary Use Permit for one (1) year for a RV while a residence is being constructed. There were eight (8) notices sent. Of the eight (8) notices sent, none were returned in favor or objection. Mr. Nichols asked Mrs. McClung if she was constructing her residence as owner/builder. Mrs. McClung explained she is owner/builder. Mr. Nichols made a motion to approve the Temporary Use Permit for one (1) year for a RV while a residence is being constructed. Mr. Berry seconded the motion and the motion carried.

T2006-0034

David S. Kim

Tom Popty, representative for the applicant, was present and requesting a Temporary Use Permit for two (2) years to allow a security trailer to be placed on the property. There were three (3) notices sent. Of the three (3) notices sent, none were returned in favor or objection. Mr. Brown asked Mr. Popty if Mr. Kim is developing the property. Mr. Popty explained the request is for security at Kim's Oriental located south of Webster. Mr. Story asked if they were having problems with security. Mr. Popty explained their security alarm has gone off multiple times. Mr. Story asked Mrs. Rogers if the tarps and tractor/trailers are allowed for storage in this area. Mrs. Rogers stated they are not. Mr. Story asked who would be staying on site. Mr. Popty explained he would be the person staying on site to provide security until a security guard is hired.

Mr. Nichols made the motion to approve the Temporary Use Permit for two (2) years to allow a security trailer. Mr. Cole seconded the motion and the motion carried.

V2006-0002

Michael Schoot

Michael Schoot, applicant, was present and requesting a variance for a shed to be placed in the setback/easement area. There were nine (9) notices sent. Of the nine (9) notices sent, four (4) were returned in favor and one (1) was returned in objection. Mr. Cornelius read the letter of objection into the record. Mr. Nichols stated he rode by the site and believes if Mr. Schoot were to turn the shed 90°, he would be out of the easement. Mr. Schoot explained he also parks his vehicles in this area and moving the shed would prohibit him from parking there. Mrs. Rogers explained a smaller shed would fit in the area and would not be in the easement or setbacks. The ZAB indicated that turning the shed 90° and moving it out of the easement is more acceptable. Mr. Nichols made a motion to deny the variance request. Mr. Brown seconded the motion and the motion carried.

SS2006-0019

Artis Brown

Martin Dzuro, representative for the new owners of the property, The Villages of Lake-Sumter, was present and requesting a Small Scale Future Land Use Amendment on 5 acres MOL from Agricultural to Mixed Use-Villages of Lake-Sumter DRI and inclusion in Urban Boundary Area. There was one (1) notice sent, which was returned in favor. Mr. Dzuro stated The Villages were in the process of purchasing this parcel when the application was made, but the purchase is now complete. He also explained this parcel is surrounded by property already included in The Villages DRI.

Mr. Nichols made the motion to recommend approval of the Small Scale Future Land Use Amendment to the Board of County Commissioners. Mr. Brown seconded the motion and the motion carried.

SS2006-0018

Robert Strickland

Robert Strickland, applicant, was present and requesting a Small Scale Future Land Use Amendment on 4.43 acres MOL from Commercial to Industrial. Mr. Brown recused himself from this case due to having a billboard interest on this site. There were nine notices (9). Of the nine (9) notices sent, two (2) were returned in objection and none were returned in favor. Mrs. Cassels read the letters of objection into the record. Mr. Strickland stated he has owned this property for approximately three (3) years. Mr. Strickland stated this is a good area for Industrial property since there are other properties in the area with Industrial Land Use and zoning. He also stated he would like to sell the property and feels it would sell better as Industrial. Mr. Nichols stated he doesn't think the County needs more Industrial land when there is already Industrial land vacant in the county and believes these areas should be developed first. Ms. Thies stated the existing commercial uses at the intersection are not compatible with the industrial uses.

Mr. Nichols made the motion to recommend denial of the Small Scale Future Land Use Amendment to the Board of County Commissioners. Mr. Cole seconded the motion and the motion carried.

R2006-0057

Robert Strickland

Robert Strickland, applicant, was present and requesting a rezoning on 4.43 acres MOL from CH (Heavy Commercial) to ID (Industrial), which is the rezoning related to the Small Scale Future Land Use Amendment - SS2006-0018.

Mr. Nichols made the motion to recommend denial of this rezoning to the Board of County Commissioners. Mr. Cole seconded the motion and the motion carried.

R2006-0053

MTV Developers, LLC

Jeff Tuchband, representative for the applicant, was present and requesting rezoning on 240.79 acres MOL from A5 & RR to MPD (Master Planned Development). There were thirty (30) notices sent. Of the thirty (30) notices sent, three (3) were returned in favor and five (5) were returned in objection. Mrs. Cassels read the letters of objection into the record. Mr. Tuchband presented a proposed site plan. He explained the site will be a gated community with 60 homes. Mr. Tuchband explained the entrance would be a 10-acre parcel with a divided drive. Mr. Tuchband explained the developers have been working with the Southwest Florida Water Management District (SWFWMD) regarding the areas of property considered to be wetlands, and have been working with other state and federal agencies regarding how to protect wildlife to the area. Mr. Tuchband stated there is a cemetery located on the parcel, which will be left intact. Mr. Gary McIntosh, audience member, asked if the developer would be allowed to come back and request further development on this tract of land if approved. Mrs. Rogers explained the density requirements and stated the developer would not be permitted to develop beyond the approved plan. Mr. Cornelius and Mr. Tuchband discussed the developers open space dedication. Ms. Thies asked if MPD was a zoning classification created for this type of development. Mrs. Rogers explained there is a point system for developers to meet to increase density within the Agricultural Area.

Mr. Nichols made the motion to recommend approval of this rezoning to the Board of County Commissioners. Mr. Berry seconded the motion and the motion carried.

R2006-0055

Judy Gowen

Judy Gowen, applicant, was present and requesting a rezoning on 5 acres MOL from R1 to RR5C. There were twelve (12) notices sent. Of the twelve (12) notices sent, two (2) were returned in objection and three (3) were returned in favor. Mrs. Cassels read the letters of objection into the record. Ms. Gowen explained she would like to be able to place a Class "A" mobile home on her property, but the current zoning will not allow her too. She also stated this property adjoins her parents' property and she would like to live near them.

Mr. Nichols made the motion to recommend approval of this rezoning to the Board of County Commissioners. Mr. Cole seconded the motion and the motion carried.

R2006-0056

Faye Hobson

Faye Hobson, applicant, and Cathy Spivey, representative for the applicant, were present and requesting a rezoning on 3.6 acres MOL from a non-compliant A5 to RR1C. There were six (6) notices sent. Of the six (6) notices sent, one (1) was returned in favor and none were returned in objection. Mr. Nichols asked if the property could be divided into one (1) acre parcels if this rezoning was approved. Mrs. Rogers explained it could not be divided because it is in the agricultural area on the Future Land Use Map.

Mr. Nichols made the motion to recommend approval of this rezoning to the Board of County Commissioners. Mr. Berry seconded the motion and the motion carried.

Mr. Nichols made a motion to adjourn the meeting at 8:15 pm. Mr. Berry seconded the motion and the motion carried.

Larry Story, Chairman
Zoning and Adjustment Board